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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,

4 v.

17-cr-415 (PAC)

5 LUIGI JAQUEZ,
6 KARILIE HERRERA, and
7 SACHA SANTIAGO,

Defendants.

8 -----x

9 New York, N.Y.
10 July 11, 2017
11 11:50 a.m.

Before:

12 HON. PAUL A. CROTTY

13 District Judge

14 APPEARANCES

15 JOON H. KIM

16 Acting United States Attorney for the
Southern District of New York

17 BY: SARAH R. KRISOFF, ESQ.

HAGAN C. SCOTTEN, ESQ.

18 Assistant United States Attorneys

19 DAVID S. GREENFIELD, ESQ.

Attorney for Defendant Jaquez

20 CARDI & EDGAR LLP

21 Attorneys for Defendant Herrera

22 BY: DAWN M. CARDI, ESQ.

23 DAWN M. FLORIO LAW FIRM PLLC

Attorneys for Defendant Santiago

24 BY: DAWN M. FLORIO, ESQ.

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(In open court)

THE CLERK: Your Honor, this is in the matter of 17-cr-415, United States of America v. Luigi Jaquez, Karilie Herrera, and Sacha Santiago.

Counsel for the government, please state your appearance.

MS. KRISOFF: Good morning, your Honor. Sarah Krissoff and Hagan Scotten for the government.

THE COURT: Ms. Krissoff, Mr. Scotten, how are you.

MR. SCOTTEN: Good morning, your Honor.

THE COURT: Good morning.

THE CLERK: Counsel for the defendants.

MS. CARDI: Dawn Cardi for Ms. Herrera, who is seated to my left, your Honor. Good morning.

THE COURT: Ms. Cardi, how are you?

MS. CARDI: Fine, thank you.

MS. FLORIO: Good morning, your Honor. Another Dawn, Dawn Florio of the Dawn Florio Law Firm. Seated to my left is my client, Sacha Santiago.

THE COURT: Ms. Florio, how are you?

MS. FLORIO: Good, your Honor. Thank you.

MR. GREENFIELD: My name is David, not Dawn. I represent Mr. Jaquez. Good morning again to you, your Honor.

THE COURT: Good morning, Mr. Greenfield.

OK. What's the purpose of today's meeting, Ms.

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1 Krissoff, Mr. Scotten? Are we going to arraign the defendants?

2 MS. KRISOFF: Yes, your Honor. All three defendants
3 were arrested last week and presented in magistrates court but
4 still need to be arraigned.

5 THE COURT: All right. Let me proceed with your
6 client first, Ms. Cardi.

7 Ms. Herrera, have you seen the indictment in this
8 case?

9 MS. CARDI: Yes. We've reviewed it, your Honor.

10 THE COURT: And you've had an opportunity to talk to
11 your attorney, Ms. Cardi about it?

12 DEFENDANT HERRERA: Yes.

13 Yes.

14 THE COURT: Yes.

15 And do you want me to read you the indictment or will
16 you waive the reading?

17 MS. CARDI: We waive the formal reading, your Honor.

18 THE COURT: And Ms. Herrera, do you want to enter your
19 plea now?

20 DEFENDANT HERRERA: Not guilty.

21 THE COURT: A plea of not guilty will be entered.

22 Ms. Santiago, have you seen a copy of the indictment?

23 DEFENDANT SANTIAGO: Yes.

24 THE COURT: And have you had a chance to consult with
25 your attorney?

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1 DEFENDANT SANTIAGO: Yes.

2 THE COURT: Do you want me to read you the indictment
3 or do you waive the reading?

4 DEFENDANT SANTIAGO: Waive.

5 THE COURT: And what plea do you want to enter,
6 Ms. Herrera?

7 DEFENDANT SANTIAGO: Not guilty.

8 MS. FLORIO: This is Ms. Santiago.

9 THE COURT: Ms. Santiago, excuse me.

10 A plea of not guilty will be entered.

11 Mr. Jaquez, have you seen a copy of the indictment?

12 DEFENDANT JAQUEZ: Yes.

13 THE COURT: Have you had time to consult with
14 Mr. Greenfield about it?

15 DEFENDANT JAQUEZ: Yes, sir.

16 THE COURT: Do you want to waive the reading of the
17 indictment or -- do you waive the reading?

18 DEFENDANT JAQUEZ: I waive it.

19 THE COURT: Do you want to enter your plea now,
20 Mr. Jaquez?

21 DEFENDANT JAQUEZ: Not guilty.

22 THE COURT: A plea of not guilty will be entered.

23 All right, Ms. Krissoff. How much discovery is there?

24 MS. KRISOFF: Yes, your Honor. There is discovery.

25 I can give your Honor an idea. There are medical records

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1 related to the deceased. There are phone records in this case,
2 social media records. There are prison calls that we intend to
3 provide as part of discovery, crime scene photos. There is a
4 video of the location where the homicide took place, both from
5 before and after the homicide from the exterior of the
6 building.

7 All that, your Honor, I think the government can
8 certainly provide within a 30-day window.

9 THE COURT: So today is the 11th. You'll make your
10 production by the 11th of August?

11 MS. KRISOFF: Yes, your Honor.

12 THE COURT: How much time do you need to review it,
13 Ms. Cardi, Ms. Florio, Mr. Greenfield?

14 MS. FLORIO: Your Honor, we've all come to an
15 agreement that 60 days is enough time for us to review the
16 material.

17 THE COURT: We'll do it on a Wednesday, then, October
18 11th?

19 MR. GREENFIELD: Yes, Judge, that's fine.

20 MS. CARDI: I'm sorry. I didn't hear. What month,
21 Judge?

22 THE COURT: October the 11th is 60 days.

23 MS. CARDI: That's fine, your Honor.

24 (Pause)

25 THE CLERK: Wednesday, October 11, at 11 a.m., next

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1 conference.

2 MS. CARDI: That's fine, your Honor.

3 MS. FLORIO: That's fine, your Honor.

4 MR. GREENFIELD: That's fine with me.

5 MS. KRISOFF: That's fine with the government, your
6 Honor.

7 This is a capital case as to Mr. Jaquez, so we can
8 starting that process with Washington. But first we will
9 pursue that as promptly as possible. But that does, that
10 process, as your Honor knows, that takes some months often to
11 resolve. So we will work with defense counsel to move that
12 process forward.

13 It is not a capital case as to Ms. Santiago and
14 Ms. Herrera due to their age at the time of the homicide. But
15 it is as to Mr. Jaquez. So we will move that process forward
16 as we produce discovery and allow the defendants time to review
17 it.

18 THE COURT: Do you have an estimate, Ms. Krissoff?

19 MS. KRISOFF: We do not, your Honor. I think that --
20 I mean, sometimes they can take up to six months. I think
21 that, with the change in administration, there have been a lot
22 of individuals who have changed in Washington who are reviewing
23 the materials. So I can't say with certainty, but I have seen
24 sort of generally from my experience, you know, sometimes it's
25 about a six-month window. It depends on really the nature of

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1 the particular case, whether the defendant makes any mitigation
2 submission, either to us up at the U.S. Attorney's Office up
3 here or ultimately down in Washington.

4 THE COURT: All right.

5 Mr. Greenfield, do you want to file an application for
6 assistance with the case?

7 MR. GREENFIELD: Yes, your Honor. I will be in touch
8 with Ms. Krissoff and we'll, between myself and herself, we
9 will have a preliminary order request for the Court.

10 THE COURT: All right. The government will produce
11 its initial round of discovery and hopefully all its discovery
12 by Friday, August the 11th. The parties will have until the
13 11th of October, Wednesday, the 11th of October, to review the
14 material. We'll have our next conference on October the 11th
15 unless there's some reason for to us meet sooner. If there's
16 reason to meet sooner, drop us an e-mail and we'll set up a
17 time for you.

18 In the meantime, do you want to move to exclude time,
19 Ms. Krissoff?

20 MS. KRISOFF: Yes, your Honor. The government asks
21 that time be excluded between today and October 11th under the
22 Speedy Trial Act to allow the government to produce discovery,
23 to allow time for the defendants to review that discovery, and
24 also to allow time for the capital case process to proceed for
25 Mr. Jaquez.

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1 THE COURT: Any objection from the defendants?

2 MS. CARDI: No, your Honor.

3 MS. FLORIO: No, your Honor.

4 MR. GREENFIELD: None.

5 THE COURT: The time between now and October 11th will
6 be excluded. It's in the interests of justice to do so. Those
7 interests outweigh the interests of the public and the
8 defendant in a Speedy Trial.

9 We'll see you on October the 11th at 11 o'clock, if
10 not sooner.

11 MS. KRISOFF: Thank you, your Honor.

12 THE COURT: Thank you very much.

13 MR. SCOTTEN: Thank you, your Honor.

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